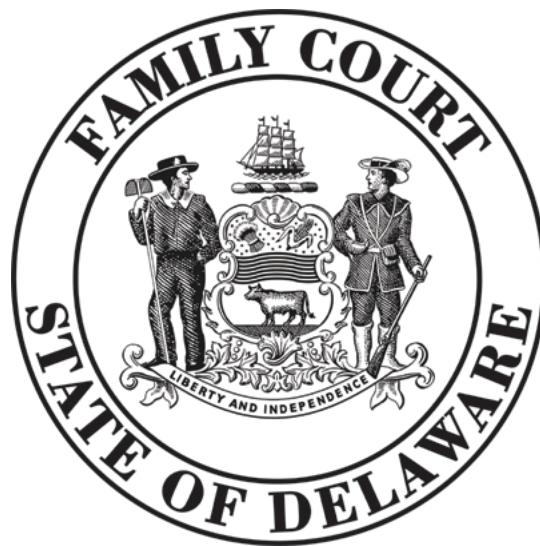


# ANSWER TO TERMINATION OF PARENTAL RIGHTS (TPR) FORMS PACKET



# The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

## ANSWER TO PETITION FOR TERMINATION OF PARENTAL RIGHTS

*Petitioner*

*v. Respondent*

Name	Name	File Number
Street Address	Street Address	
Apt. or P.O. Box Number	Apt. or P.O. Box Number	Petition Number
City State Zip Code	City State Zip Code	
Attorney Name and Phone Number	Attorney Name and Phone Number	

The respondent hereby answers the Petition for Termination of Parental Rights ("TPR") as follows:

### **Part I.**

A. Petitioner(s) resides at the address stated on the Petition.

- ☐ Admitted  
☐ Denied for the following reason \_\_\_\_\_

B. I (Respondent) reside at the address stated on the Petition.

- ☐ Admitted  
☐ Denied for the following reason \_\_\_\_\_

C. The child(ren)'s name, date of birth, place of birth, and gender are correctly stated on the Petition.

- ☐ Admitted  
☐ Denied for the following reason \_\_\_\_\_

D. The parents' names and addresses are correctly stated on the Petition.

- ☐ Admitted  
☐ Denied for the following reason \_\_\_\_\_

E. The name(s) and address(es) of the person(s) or organization having the guardianship, care, control or custody of the child(ren) is correctly stated on the Petition.

- ☐ Admitted  
☐ Denied for the following reason \_\_\_\_\_

F. Adoption of the child(ren) is possible and appropriate.

- ☐ Admitted  
☐ Denied for the following reason \_\_\_\_\_

G. If both parents' parental rights are sought to be terminated in the Petition, the possibility of placement of the child(ren) with blood relatives has been explored.

- ☐ Admitted  
☐ Denied for the following reason \_\_\_\_\_

H. Termination of my parental rights is in the best interests of the child(ren).

- ☐ Admitted  
☐ Denied for the following reason \_\_\_\_\_

**Part II. Grounds for Termination of Parental Rights - 13 Del. C. §1103(a)***(Attach additional copies of Part II for each additional child named in the Petition for TPR)*

I. Pursuant to 13 Del. C. §§ 1103(a)(1) and 1106, I agree (consent) that this Petition be granted and I have provided a signed and notarized *Consent to Termination and Transfer of Parental Rights* form to the Petitioner for filing with the Court.

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following reason \_\_\_\_\_

J. As defined under 13 Del. C. §§1101(1) and 1103(a)(2)(a), I have intentionally abandoned the child as evidenced by the fact that one of the following statements made in the Petition is true:

i. The child is younger than 6 months olds at the time of filing of the Petition **and** I failed to pay reasonable prenatal, natal and postnatal expenses in accordance with my financial means **and** I failed to visit regularly with the child **and** I failed to manifest (show) an ability and willingness to assume legal and physical custody of the child (if the child was NOT in the physical custody of the *other* parent).

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following reason: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ii. The child is at least 6 months old at the time of filing of the Petition **and** for at least 6 consecutive months (6 months in a row) during the year immediately before filing the Petition, I failed to make reasonable and consistent payments in accordance with my financial means for support of the child **and** I failed to communicate or visit regularly with the child **and** I failed to manifest (show) the ability and willingness to assume legal and physical custody of the child (if the child was NOT in the physical custody of the *other* parent).

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following reason: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. The child is younger than 6 months old at the time of filing the Petition **and** I have manifested (shown) the unwillingness to exercise my parental rights and responsibilities as evidenced by my placing the child in circumstances leaving the child in substantial risk of injury or death.

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following reason: \_\_\_\_\_

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K. As defined under 13 Del. C. §§1101(1) and 1103(a)(2)(b), I have unintentionally abandoned the child(ren) because for 12 consecutive months (12 months in a row) in the 18 months before this Petition was filed, I failed to communicate or visit regularly with the child **and** I failed to file or pursue a pending Petition to establish paternity or to establish the right to have contact or visitation with the child **and** I failed to manifest (show) the ability and willingness to assume legal and physical custody of the child (if the child was NOT in the physical custody of the *other* parent) **and** **at least 1 of the following circumstances applies:**

- The child is not in the legal and physical custody of the *other* parent and I am not able or willing promptly to assume legal and physical custody of the child, and to pay for the child's support in accordance with my financial means;

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following reason: \_\_\_\_\_

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- **OR** The child is in the legal and physical custody of the *other* parent and stepparent, and the stepparent is the prospective adoptive parent, and I am not able or willing promptly to establish and maintain contact with the child and to pay for the child's support in accordance with my financial means.

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following reason: \_\_\_\_\_

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- **OR** Placing the child in my legal and physical custody would pose a risk of substantial harm to the physical or psychological well being of the child because the circumstances of

the child's conception, my behavior during the mother's pregnancy or since the child's birth, or my behavior with respect to other children indicates that I am unfit to maintain a relationship of parent and child with the child.

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following reason:\_\_\_\_\_

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➤ **OR** Failure to terminate my parental rights over the child would be detrimental to the minor.

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following reason:\_\_\_\_\_

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L. I am mentally incompetent and therefore unable to discharge parental responsibilities in the foreseeable future.

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following reason:\_\_\_\_\_

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M. I have been found by a court of competent jurisdiction to have committed a felony level offense found within 11 Del. C. §§ 601-792 against a victim who was a child, **or** to have aided or abetted, attempted, conspired or solicited to commit such offense found within 11 Del. C. §§ 601-792, **or** to

have committed or attempted to commit the offense of *Dealing in Children* found at 11 Del. C. § 1100, **or** to have committed the felony level offense of *Endangering the Welfare of a Child* found at 11 Del. C. § 1102.

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following reason: \_\_\_\_\_

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N. I am not able or have failed to plan adequately for the child's physical needs or mental and emotional health and development **and 1 or more of the following conditions are met:**

**i. In the case of a child in the care of the Department of Services for Children, Youth and Their Families ("the Department"),**

- the child has been in the care of the Department or licensed agency for a period of 1 year (or for a period of 6 months in the case of a child who comes into care as an infant) or there is a history of previous placement(s) of this child,
- **OR** there is a history of neglect, abuse, or lack of care of the child or other children by me,
- **OR** I am incapable of discharging parental responsibilities due to extended or repeated incarceration
- **OR** I am not able or willing to assume promptly legal and physical custody of the child and to pay for the child's support in accordance with my financial means
- **OR** failure to terminate my parental rights over this child will result in continued emotional instability

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following reason: \_\_\_\_\_

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**ii. In the case of a child in the home of a stepparent or blood relative,** the child has resided in the home of the stepparent or blood relative for a period of at least 1 year (or for a period of 6 months in the case of an infant) **and** I am incapable of discharging parental responsibilities and there is little likelihood that I will be able to discharge such parental responsibilities in the future.

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following

reason: \_\_\_\_\_

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O. My parental rights over a sibling (i.e. brother or sister or half-brother or half-sister) of the child have been involuntarily terminated in a prior proceeding.

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following reason: \_\_\_\_\_

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P. I have subjected the child to torture, chronic abuse, sexual abuse, and/or life-threatening abuse.

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following reason: \_\_\_\_\_

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Q. The child has suffered unexplained serious physical injury under such circumstances as would indicate that such injuries resulted from my intentional conduct or my willful neglect.

☐ Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

☐ Admitted

☐ Denied for the following reason: \_\_\_\_\_

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SWORN TO AND SUBSCRIBED before  
me this date:

\_\_\_\_\_  
Respondent/Attorney

\_\_\_\_\_  
Notary Public

A copy of this answer must be sent to the Petitioner.

**AFFIDAVIT OF MAILING**

I affirm that a true and correct copy of this Answer was placed in the U.S. mail on this date, \_\_\_\_\_ and sent to the Petitioner or the attorney address listed on the Petition, being \_\_\_\_\_, first class postage pre-paid.

\_\_\_\_\_  
Respondent/Attorney

SWORN TO AND SUBSCRIBED before me on this date, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public



Only complete and  
file the remaining  
forms if they apply to  
your specific situation.

Please see the  
instruction packet to  
determine if these  
forms apply to you.

# The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

## CONSENT TO TERMINATION AND TRANSFER OF PARENTAL RIGHTS

I, \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_  
at \_\_\_\_\_ a.m/p.m. at \_\_\_\_\_  
(location) state as follows:

1. I am the ☐ mother/☐ father of \_\_\_\_\_ (child's name),  
born \_\_\_\_\_ ;

2. My address is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. My date of birth is \_\_\_\_\_

4. I agree to consent to the termination and transfer of my parental rights, for the purpose of adoption, in the child  
named in paragraph one to (name, address and phone number of individual(s)):

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. I understand the importance of my decision and fully realize the effects of the termination of my parental rights  
in this child.

6. I understand that by terminating my parental rights all of my rights and obligations to this child will be  
extinguished, except for arrearages of child support.

7. I understand that after this consent is signed by me and confirmed pursuant to 13 Del. C. § 1106(c), this  
consent is final and may not be revoked or set aside for any reason unless the requirements of 13 Del.C. §  
1106B(a) have been met.

8. I have read and/or have had read to me the 7 statements on the reverse side of this form, and fully understand  
and agree with each statement.

9. I understand that pursuant to 13 Del. C. § 923(b), I have a right to file a notarized statement with the  
Department of Health and Social Services of Vital Statistics denying the release of any identifying information.  
Notwithstanding any other provision in the Delaware Code to the contrary, an adoptee 21 years of age or older  
may obtain a copy of his or her original record of birth from the State Registrar pursuant to sub-section 3110(b)  
of Title 16, even if that record has been impounded, unless the birth parent has, within the most recent 3 year  
period, filed a written notarized statement with the Department of Health and Social Services of Vital Statistics  
denying the release of any identifying information.

10. I know and understand that I have the right to be served with a copy of the petition for termination of parental  
rights, and have a hearing on my important decision to terminate my parental rights in my child. I understand  
that the Family Court may conduct a hearing on this matter. I hereby waive my right to service and any notice  
of such hearing by checking the following box ☐;

11. I know that I will receive notice of the final order of the Court only if I check the following box ☐.

12. This consent may be revoked if a Court of competent jurisdiction decides not to terminate the other parent's  
rights to this child.

13. I understand that if I am indigent and wish to have attorney represent me in this matter, an attorney would be  
appointed to represent me. I knowingly and voluntarily waive my right to an attorney.

14. I have received a copy of my signed consent.

15. I have signed this consent voluntarily and of my own free will. I have neither been promised nor received any  
money or anything else of value in exchange for this consent.

\_\_\_\_\_  
Consenting Party

## TERMINATION OF PARENTAL RIGHTS CONSENT PARTY STATEMENT

I, \_\_\_\_\_, the ☐ mother ☐ father of \_\_\_\_\_  
who was born on \_\_\_\_\_ do state that I:

1. Believe that placement of my child for adoption by \_\_\_\_\_, would be  
In the child's best interest.
2. Know that the decision to terminate my parental rights is an important one.
3. Know and understand that when my parental rights in my child are terminated, I will no longer be the legal parent  
of my child.
4. Know and understand that when I terminate my parental rights in my child that I give up all rights.
5. Know and understand that when I terminate my parental rights in my child and child is adopted, the  
child becomes the child of \_\_\_\_\_ and \_\_\_\_\_,  
and as a result the child's name may be changed.
6. Know and understand that when I terminate my parental rights in my child, my child loses the right to inherit from  
me and I lose the right to inherit from him/her. This shall not in any way limit my right to provide for the  
disposition of my estate by will.
7. Know and understand that I have the right to be represented by an attorney in this matter, and may be entitled to  
have the Court appoint an attorney to represent me for free.

\_\_\_\_\_  
Consenting Party

\_\_\_\_\_  
Date

## CONFIRMATION STATEMENT

I, the undersigned, hereby certify the following:

1. I am a person authorized to take consents to terminate parental rights under 13 Del. C. § 1106(c) because I am
  - ☐ A judge of a court of record;
  - ☐ An individual designated by a judge to take consents;
  - ☐ An employee designated by an agency to take consents;
  - ☐ A lawyer other than a lawyer who is representing an adoptive parent or the agency to which parental rights will be  
transferred;
  - ☐ A commissioned officer on active duty in the military service of the United States, if the individual executing  
the consent is in the military service; or
  - ☐ An officer of the Foreign Service or a consular officer of the United States in another country, if the  
individual executing the consent is in that country.
2. I have explained the contents and consequences of the consent to the consenting party
3. To the best of my knowledge and belief, the consenting party understands that he/she has the right to be  
represented by an attorney;
4. To the best of my knowledge and belief, the consenting party ☐read/ ☐was read
5. To the best of my knowledge and belief, the individual executing the consent entered into the consent voluntarily;
6. To the best of my knowledge and belief, the individual is: (check one)
  - ☐ Not a minor; or
  - ☐ Is a minor parent and was advised by a lawyer who is not representing an adoptive parent or the agency to  
which parental rights are being transferred;
7. The individual executing the consent signed or confirmed the consent in my presence.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Person  
(printed name)

\_\_\_\_\_  
Authorized Person  
(signature)

Agency: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

IN RE THE MARRIAGE OF

_____	)	
	)	
Petitioner,	)	File No.: _____
and	)	
	)	Petition No.: _____
_____	)	
Respondent,	)	

## WAIVER OF RIGHTS UNDER THE “SERVICEMEMBERS CIVIL RELIEF ACT”

STATE OF DELAWARE	)	
	)	ss.
_____ COUNTY	)	

BE IT REMEMBERED, that on this date, \_\_\_\_\_, personally appeared before me, a Notary Public for the State of Delaware in the County declared above, \_\_\_\_\_, (“Affiant”), who, being duly sworn by me according to law, did depose and say:

1. That Affiant is the Respondent in the above captioned case:
2. That Affiant is active duty in the United States military: and
3. The Affiant waives his/her rights under the “Servicemembers Civil Relief Act” and in doing so acknowledges that he/she, or his/her attorney, will be required to timely respond to and appear at all legal proceedings associated with the above captioned case.

\_\_\_\_\_  
Respondent (“Affiant”)

SWORN TO AND SUBSCRIBED before me this date, \_\_\_\_\_

\_\_\_\_\_  
Notary Public or Clerk of Court

# **IMPORTANT INFORMATION REGARDING THE FILING OF A MOTION**

**Presenting a motion before the Court requires the completion and filing of three separate documents.**

**The Generic Motion document (Form 191) must be filed along with the Notice of Motion (Form 192) and Form of Order (Form 193) documents.**

# The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

## MOTION FOR \_\_\_\_\_

### *Petitioner*

Name
Street Address
Apt. or P.O. Box Number
City State Zip Code
Social Security Number Date of Birth
Attorney Name and Phone Number

### *Respondent*

Name
Street Address
Apt. or P.O. Box Number
City State Zip Code
Social Security Number Date of Birth
Attorney Name and Phone Number

File Number

Petition Number

A PROCEEDING involving \_\_\_\_\_ having been filed heretofore in this Court,  
Movant hereby moves the Court for \_\_\_\_\_ and, in  
support thereof, alleges the following facts:

SWORN TO AND SUBSCRIBED  
before me this date,

\_\_\_\_\_  
Movant/Attorney

\_\_\_\_\_  
Notary Public/Clerk of Court

I, the Movant, affirm that a true and correct copy of this Motion was placed in the U.S. Mail on this date  
\_\_\_\_\_, and sent to the other party or attorney at the address listed on the petition, being  
\_\_\_\_\_, first class postage  
pre-paid.

SWORN TO AND SUBSCRIBED  
before me this date,

\_\_\_\_\_  
Movant/Attorney

\_\_\_\_\_  
Notary Public/Clerk of Court

# The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

_____ ,	)	
Petitioner	)	File No.: _____
v.	)	
	)	Petition No.: _____
_____ ,	)	
Respondent	)	
	)	
	)	

## NOTICE OF MOTION

TO:

PLEASE TAKE NOTICE that the attached Motion for \_\_\_\_\_ is herewith presented to the Court for consideration. If you are opposed to this motion, you must file a written response with the Court within ten (10) days of the service of this motion. If no response is timely filed, the motion may be decided without further opportunity for you to be heard on the matter. Family Court Rules, Rule 7(b)(2).

Dated:

_____ Movant/Attorney		
Name and address of Movant/Attorney		
Street Address		
Apt. or P.O. Box Number		
City	State	Zip Code

# The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

_____ ,	)	
Petitioner	)	
	)	File No.: _____
v.	)	
	)	Petition No.: _____
_____ ,	)	
Respondent	)	
	)	
	)	
	)	

## ORDER

Having considered the request of the movant, \_\_\_\_\_,

**IT IS SO ORDERED**, this date: \_\_\_\_\_

That

\_\_\_\_\_  
Judge/Commissioner

cc:



# The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

**In re the Marriage of:**

**Petitioner**

**Respondent**

Name	Name	File Number
Street Address	Street Address	
Apt. or P.O. Box Number	Apt. or P.O. Box Number	Petition Number
City State Zip Code	City State Zip Code	
Social Security Number Date of Birth	Social Security Number Date of Birth	
Attorney Name and Phone Number	Attorney Name and Phone Number	

**The section below is to be completed by and signed in the presence of a Notary Public/Clerk of Court on the day of your Divorce/Annulment Hearing.**

## **AFFIDAVIT OF NON-MILITARY SERVICE**

STATE OF DELAWARE

)

)

SS.

COUNTY

)

BE IT REMEMBERED, that on this date, \_\_\_\_\_, personally appeared  
Before me, a Notary Public for the State of Delaware in the County declared above,  
\_\_\_\_\_, ("Affiant"), who, being duly sworn by me according to law,  
did depose and say:

1. That Affiant is the Petitioner in the above referenced action;
2. That Respondent is not in the military service of the United States of America; and
3. That Affiant has made this Affidavit pursuant to the provisions of § 200 of the Act of Congress entitled "Soldiers and Sailors Civil Relief Act of 1940" (50 U.S.C.A. App. 520) approved October 17, 1940.

\_\_\_\_\_  
Petitioner

SWORN TO AND SUBSCRIBED before me this date, \_\_\_\_\_

\_\_\_\_\_  
Notary Public or Clerk of Court